



#412
7-11-02

PATENT
Attorney Docket No.: 047329-5001

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
James J. BANCROFT)
Application No.: 10/014,440) Group Art Unit: 3764
Filed: December 14, 2001) Examiner: M. Brown
)

For: MOUTHGUARD

Commissioner of Patents
Washington, D.C. 20231

Sir:

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicant brings to the attention of the Examiner the documents listed on the attached PTO Form 1449. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits in the above-referenced application. Accordingly, Applicant does not believe that a fee is due for filing this paper.

A copy of the listed documents are attached; and, for the two foreign references, English language abstracts are provided. Applicant respectfully requests that the Examiner consider the listed documents and evidence that consideration by making appropriate notations on the attached PTO Form 1449. Included are two physical samples of mouthguards that are made in accordance with Applicant's prior U.S. Pat. No. 5,447,168; and that are exemplary of the mouthguards illustrated in the Total Gard Orthodontic Sports Mouthguard Brochure submitted in the first IDS. For purposes of examination of this application (and any future applications

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claiming priority to this application), Applicant requests that the Examiner treat these mouthguard samples as prior art.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed document is material or constitutes "Prior Art" (except as noted above). If it should be determined that any of the listed documents do not constitute "Prior Art" under United States law, Applicant reserves the right to present to the Office the relevant facts and law regarding the appropriate status of such document.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed references, should any of the references be applied against the claims of the present application.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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Dated: July 1, 2002

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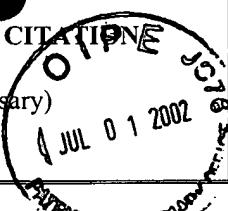
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PTO Form 1449

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PATENT DOCUMENTS

*Examiner Initial	Document Number	Date	Name	Class	Sub Class	Filing Date
	6,269816 B1	08/07/01	Rigonatti et al.	--	--	
	6,053,168	04/25/00	Sue	--	--	
	5,921,240	07/13/99	Gall	--	--	
	5,829,441	11/03/98	Kidd et al.	--	--	
	5,732,715	03/31/98	Jacobs et al.	--	--	
	5,692,523	12/02/97	Croll et al.	--	--	
	5,682,904	11/04/97	Stinnett	--	--	
	5,624,257	04/29/97	Farrell	--	--	
	5,601,093	02/11/97	Sheehan	--	--	
	5,592,951	01/14/97	Castagnaro et al.	--	--	
	5,582,560	12/10/96	Magnuson	--	--	
	5,462,066	10/31/95	Snyder	--	--	
	5,277,203	01/11/94	Hays	--	--	
	5,277,202	01/11/94	Hays	--	--	
	5,259,762	11/9/93	Farrell	--	--	
	5,234,005	08/10/93	Kittelsen et al.	--	--	
	5,203,324	04/20/93	Kinkade	--	--	
	5,165,423	11/24/92	Fowler et al.	--	--	
	5,062,422	11/05/91	Kinkade	--	--	
	4,862,903	09/05/89	Campbell	--	--	
	4,765,324	08/23/88	Lake, Jr.	--	--	
	4,718,662	01/12/88	North	--	--	
	4,350,154	09/21/82	Feldbau	--	--	
	4,185,817	01/29/80	Peterson	--	--	
	3,525,520	08/25/70	Dwyer	--	--	

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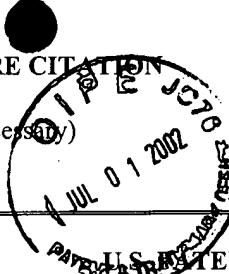
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U.S. PATENT DOCUMENTS cont'd

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		3,457,916	07/29/69	Wolicki	--	--	
		3,333,582	08/01/67	Cathcart	--	--	
		3,312,218	04/04/67	Jacobs	--	--	
		3,307,539	03/07/67	Petersen	--	--	
		3,236,235	02/22/66	Jacobs	--	--	
		3,203,417	08/31/65	Helmer	--	--	
		3,082,765	03/26/63	Helmer	--	--	
		2,857,909	10/28/58	Johnson	--	--	
		2,669,988	02/23/54	Carpenter	--	--	
		2,521,084	09/05/50	Oberto	--	--	
		2,521,039	09/05/50	Carpenter	--	--	
		1,674,336	06/19/28	King	--	--	
		1,652,910	12/13/27	Psayla	--	--	
		1,489,192	04/01/24	Cleveland	--	--	
		1,302,004	04/29/19	Brown	--	--	
		347,976	08/24/1886	Starr	--	--	
		Des. 406,647	03/09/99	Wagner	--	--	
		Des. 300,059	02/28/89	Pier	--	--	

FOREIGN PATENT DOCUMENTS

		Document Number	Date	Country	Class	Sub Class	English Abstract	YES	NO
		DE 3915505 A1	05/12/89	Germany	--	--	X		
		DT 2320501	04/21/73	Germany	--	--	X		

